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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,484	09/14/2000	Masato Suzuki	NAKI-AN73r	9431
20277	7590	07/21/2004	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			COULTER, KENNETH R.	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding:

Office Action Summary	Application No.	Applicant(s)	
	09/662,484	SUZUKI ET AL.	
Examiner	Art Unit		
Kenneth R Coulter	2141		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-94 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 September 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 08/587,338.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/31/01; 8/13/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 9/3/02</u> . |

DETAILED ACTION

Reissue Applications

Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,809,306 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 94 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuzaki et al. (U.S. Pat. No. 5,440,701) (Data Processing Apparatus for Shortening an Instruction Code Length).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

2.1 Regarding claim 62, Matsuzaki discloses a data processor performing data processing based on an 8-bit instruction, comprising:

a plurality of registers (Abstract; Fig. 2; col. 3, lines 26 - 43);

a decoding unit decoding an 8-bit instruction (Abstract; col. 3, lines 13 - 17), the instruction independently designating:

one of a plurality of operations including transfer and calculation (Abstract; Figs. 1, 5);

one of the plurality of registers as a source operand (Fig. 2; col. 3, lines 33 - 38);

one of the plurality of registers as a destination operand (Fig. 2; col. 3, lines 33 - 38);

wherein at least one of the source operand register and the destination operand register is capable of storing an address exceeding 16 bits (Fig. 4, item d; col. 4, lines 26 – 29; col. 5, lines 62 - 66); and

an execution unit for executing the decoded instruction (Abstract; Fig. 1, item 16; col. 2, lines 24 – 29).

2.2 Per claim 63, the rejection of claim 62 under 35 USC 102(e) applies (paragraph 2.1 above).

In addition, Matsuzaki teaches at least one instruction is further followed by a linear absolute address of more than 16 bits (col. 5, lines 40 – 45; col. 7, lines 3 - 7).

2.3 Regarding claim 64, Matsuzaki discloses a data processor performing data processing based on an 8-bit instruction, comprising:

a first register and a second register (Fig. 2; col. 3, lines 33 - 38);

a decoding unit decoding an 8-bit instruction (Fig. 1, item 14);

a judgment means for judging which one of sign-extending and zero-extending is to be performed on operand data is made depending on which of the first register and the second register is designated as the destination operand in the instruction (col. 4, lines 63 - 68); and

an execution unit for executing the decoded instruction (Abstract; Fig. 1, item 16; col. 2, lines 24 – 29).

2.4 Per claim 65, the rejection of claim 62 under 35 USC 102(e) applies (paragraph 2.1 above).

In addition, Matsuzaki teaches an address register and a data register are included in the plurality of registers (Fig. 2; col. 3, lines 33 - 38); and an address stored in the address register is longer than data stored in the data register (Abstract; col. 2, lines 8 – 12 and 46 - 49).

2.5 Regarding claim 66, Matsuzaki discloses that the plurality of registers includes at least one register storing an address exceeding 16 bits (Fig. 4, item d; col. 4, lines 26 – 29; col. 5, lines 62 - 66).

2.6 Per claim 67, the rejection of claim 62 under 35 USC 102(e) (paragraph 6.1 above) applies fully.

2.7 Regarding claim 68, Matsuzaki discloses a data processing method for performing data processing of an 8-bit instruction, comprising:

decoding a first portion of the 8-bit instruction which independently designates one of a plurality of operations including transfer and calculation (Abstract; Figs. 1, 5);

decoding a second portion of the 8-bit instruction which independently designates one of a plurality of registers as a source operand (Fig. 2; col. 3, lines 33 – 38; col. 6, lines 53 - 64);

decoding a third portion of the 8-bit register which independently designates one of the plurality of registers as a destination operand (Fig. 2; col. 3, lines 33 – 38; col. 6, lines 53 - 64);

wherein at least one of the source operand register and the destination operand register is capable of storing an address exceeding 16 bits (Fig. 4, item d; col. 4, lines 26 – 29; col. 5, lines 62 - 66); and

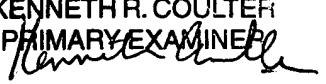
executing the instruction in accordance with the decoded results (Abstract; Fig. 1, item 16; col. 2, lines 24 – 29).

2.8 Per claims 1 – 61 and 69 – 94, the rejection of claims 62 – 68 under 35 USC 102(e) (paragraphs 2.1 – 2.8 above) applies fully.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER


krc